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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,560	08/30/2001	Ronald P. Doyle	RSW920010127US1	2546

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EXAMINER
ZHONG, CHAD

ART UNIT	PAPER NUMBER
2152	

DATE MAILED: 08/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _30 August 2001_.
2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-35_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _1-35_ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on _30 August 2001_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-35 are presented for examination.

2.   The specification is objected to because of the following:

current US patent policy does not permit the use of hyperlinks in the specification. Such links are directed

to an Internet site, the contents of which are subject to change without notice. Therefore, the potential for

inclusion of new matter would be a constant problem. See page 3, 4, 13, 20, 23, 25, Fig 6, Fig 7A, Fig 7F,

Fig 7G, for example, correction is required.

3.   The use of the trademark Microsoft, Netscape, Sun Microsystems, among others have been noted

in this application (pg 4, 7). It should be capitalized wherever it appears and be accompanied by the

generic terminology. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United
> States before the invention thereof by the applicant for patent, or on an international application by another who has
> fulfilled the requirements of paragraphs (1), (2), and (4) of section 371 (c) of this title before the invention thereof by
> the applicant for patent.

5.   Claims 1-14, 16-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Tripp et al.

(hereinafter Tripp), US 6,516,377.

6.   As per claim 1, Tripp teaches a method of efficiently serving content in a distributed computing

environment, comprising steps of:

receiving usage metrics for a particular stored object (Col. 5, lines 20-30, lines 33-37; Col. 6, lines

62-67; Col. 7, lines 10-19); and

    evaluating the received usage metrics to determine whether the particular stored object is stored in an

appropriate location, and moving the particular stored location if not (Col. 16, lines 9-32).

7.   As per claim 2, Tripp teaches the method according to claim 1, wherein the usage metrics are

received from a server (Col. 16, lines 37-64).

8.   As per claim 3, Tripp teaches the method according to claim 1, wherein the received usage

metrics are gathered by a system responsible for storing the particular stored object (Col. 9, lines 40-56).

9.   As per claim 4, Tripp teaches the method according to claim 1, wherein the usage metrics are

encoded in a Hypertext Transfer Protocol message header (Col. 5, lines 20-30).

10.   As per claim 5, Tripp teaches the method according to claim 1, wherein the usage metrics are

encoded using syntax of a markup language (Col. 5, lines 20-30).

11.   As per claim 6, Tripp teaches the method according to claim 5, wherein the markup language is

HTML ("Hypertext Markup Language") (Col. 48, lines 10-15).

12.   As per claim 7, Tripp teaches the method according to claim 6, wherein the syntax comprises a

"META" tag using an "HTTP-EQUIV" attribute syntax (Col. 5, lines 20-30).

13.   As per claim 8, Tripp teaches the method according to claim 6, wherein the syntax comprises a

"META" tag using a "NAME" attribute syntax (Table 32, Table 38).

14.   As per claim 9, Tripp teaches the method according to claim 6, wherein the syntax comprises a

specially-denoted comment (Table 10).

15.   As per claim 10, Tripp teaches the method according to claim 5, wherein the markup language is

XML ("Extensible Markup Language") (Col. 48, lines 10-15).

16.   As per claim 11, Tripp teaches the method according to claim 1, wherein the usage metrics are

received in response to a query for remotely-stored usage metric information (Col. 30, lines 3-13).

17.   As per claim 12, Tripp teaches the method according to claim 11, wherein the query uses a

WebDAV request (Col. 5, lines 20-30).

18.   As per claim 13, Tripp teaches the method according to claim 12, wherein a response to the

WebDAV request specifies usage metrics gathered by at least one server (Table 1; Col. 5, lines 20-30).

19.   As per claim 14, Tripp teaches the method according to claim 4, wherein the usage metrics are

encoded using one or more cookies (Col. 15, lines 49-61).

18.   As per claim 16, Tripp teaches the method according to claim 1, wherein the usage metrics are

expected popularity values (Col. 6, lines 62-67; Col. 7, lines 10-20).

19.   As per claim 17, Tripp teaches the method according to claim 16, wherein the expected

popularity values are provided by a user (Col. 7, lines 10-20).

20.   As per claim 18, Tripp teaches the method according to claim 16, wherein the expected

popularity values are predicted by a content management system (Col. 30, lines 63-67; Col. 31, lines 1-

15).

21.   As per claim 19, Tripp teaches the method according to claim 1, wherein the usage metrics are

received as meta-data on a file access message (Col. 28, lines 47-55; Col. 25, lines 45-62).

22.   As per claim 20, Tripp teaches the method according to claim 1, further comprising steps of:

gathering usage metrics by a server (Table 1); and

sending the gathered usage metrics from the server; and

wherein the received usage metrics are those sent from the server (Col. 5, lines 50-65).

23.   As per claim 21, Tripp teaches the method according to claim 20, wherein the sending step

operates in response to a triggering event (Col. 6, lines 40-45).

24.   As per claim 22, Tripp teaches the method according to claim 21, wherein the triggering event

comprises expiration of a timer (Col. 6, lines 40-45).

25.   As per claim 23, Tripp teaches the method according to claim 21, wherein the triggering event

comprises exceeding a threshold (Col. 6, lines 40-45).

26.   As per claim 24, Claim 24 is rejected for the same reasons as rejection to claim 11 above.

27.   As per claim 25, Tripp teaches the method according to claim 20, wherein the gathering step

further comprises gathering the usage metrics by analyzing an access log (Col. 17, lines 58-64).

28.   As per claim 26, Tripp teaches the method according to claim 20, wherein the gathering step

further comprises gathering the usage metrics by tracking access requests at the server (Table 19, 22).

29.   As per claim 27, Tripp teaches the method according to claim 1, wherein the usage metrics are

expressed as a mnemonic (Col. 13, lines 43-50; Table 1).

30.   As per claim 28, Tripp teaches the method according to claim 1, wherein the usage metrics are

expressed as a scaled number (Table 18).

31.   As per claim 29, Tripp teaches the method according to claim 1, wherein the usage metrics are

expressed as a percentage of access requests (Table 47; Col. 37, lines 30-45).

32.   As per claim 30, Tripp teaches the method according to claim 1, wherein the usage metrics are

expressed as an actual number of access requests (Table 1).

33.   As per claim 31, Tripp teaches the method according to claim 1, wherein the usage metrics are

expressed as a ranking (Col. 6, lines 60-67).

Claim Rejections - 35 USC § 103

34.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such
> that the subject matter as a whole would have been obvious at the time the invention was made to a person having
> ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in
> which the invention was made.

35.   Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tripp et al.

(hereinafter Tripp), US 6,516,377, in view of 'Official Notice'.

36.   As per claim 15, Tripp does not explicitly teaches the method according to claim 1, wherein the

usage metrics are encoded in a Wireless Session Protocol message header. "Official Notice" is taken that

the concept and advantages of providing for Wireless Session Protocol is well known and expected in the

art. It would have been obvious to one of ordinary skill in the art to include Wireless Session Protocol

with Tripp because it would provide for broader service coverage into the realm of wireless networking.

37.   Claims 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tripp et al.

(hereinafter Tripp), US 6,516,377, in view of Applicant Applied Prior Art (hereinafter AAPA).
Admitted

38.   As per claim 32, all but one aspect of claim 32 are rejected for the same reasons as rejection to

claim 1 above. Tripp does not explicitly teaches the usage of NAS (network attached storage) devices,

AAPA teaches the utilization of NAS on a network (pages 5-9), it would have been obvious to one of

ordinary skill in this art at the time of invention was made to combine the teaching of Tripp and AAPA

because they both dealing with updating network storage devices. Furthermore, the teaching of AAPA to

allow the usage of NAS would improve the latency and accessibility for Tripp's system by shortening the

travel time of program data in between nodes and allowing for setup and access of a network drive via

internet protocols such as HTTP and meta tags. Finally, despite the fact that NAS was not explicitly

mentioned in Tripp, one can clearly see the NAS can be implemented on Tripp system. The very nature

of remote access storage via the "Meta Tags" suggests NAS would be one of the obvious implementations

that can be used with Tripp.

39.   As per claim 33, Claim 33 is rejected for the same reasons as rejection to claim 20 above.

40.   As per claim 34, Claim 34 is rejected for the same reasons as rejection to claim 32 above.

41.   As per claim 35, Claim 35 is rejected for the same reasons as rejection to claim 20 above.

Conclusion

42.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents and publications are cited to further show the state of the art with respect to method

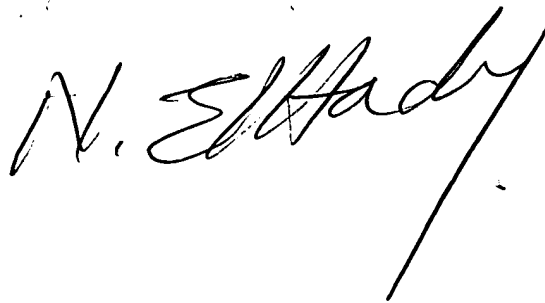of providing router with subnetwork address pool in a cellular telecommunications network.

i.   US 6711585   Copperman et al.

ii.   US 6094649   Bowen et al.

iii.   US 6351776   O'Brien et al.

iv.   US 6675205   Meadway et al.

v.   "USING META TAG-EMBEDDED INDEXING FOR FIELDED SEARCHING OF
THE INTERNET" – Coombs, Philip INET Conference Aug 30, 1999.

Any inquiry concerning this communication or earlier communications from the examiner should

be directed to Chad Zhong whose telephone number is (703) 305-0718. The examiner can normally be

reached on M-F 7am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John

A Follansbee can be reached on 703-305-8498. The fax phone numbers for the organization where this

application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238

for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should

be directed to the receptionist whose telephone number is 703-305-3900.

CZ
June 16, 2004